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EXAMINER

THERIAULT, STEVEN B

ART UNIT PAPER NUMBER

2179

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/092,362

Applicant(s)

NGUYEN, LOC V.

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 16-19, 25-28 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to the following communications: Amendment filed on 03/28/2005.  
**This action is made Final.**
2. Claims 1-3, 8-15, 20-24, 29-36, 38-43 are pending in the case. Claims 1, 22, 40 and 41 are the Independent claims. Claims 1-2, 13, 22, 23, 34, 40, 41 are the amended claims. Claims 4-7, 16-19, 25-28, 37 have been cancelled. Claims 41-42 are newly added claims.  
Applicant's attention is directed to the fact that a new examiner has been assigned to this case.  
The Examiner's name and telephone number are provided below.

### ***Terminal Disclaimer***

The examiner notes that a proper Terminal Disclaimer has been filed on copending application 10/092,008 in light of a provisional double patenting rejection that was made regarding the present application and 10/092,008 and the rejection has been removed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1- 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easty et al. (hereinafter Easty) U.S. patent No. 6,448,987 B1 issued Sep. 10, 2002 and filed Apr. 3, 1998 in view of Ohkura et al. (hereinafter Ohkura) U.S. Patent No. 6,005,601 issued Dec. 21, 1999 and filed Feb 6, 1997.

In regard to **Independent claim 1**, Easty teaches the method for obtaining user input in a graphical user interface, the method comprising:

- *Displaying at least a portion of a first curvilinear menu comprising a first set of selectable options circumferentially disposed on the first curvilinear menu;* (Easty column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easty teaches a curvilinear menu with a set of inner and outer rings. The categories on the inner and outer rings are dynamically determined at the time of the display and the icons on each menu ring are individually selectable or highlighted.
- *In response to a selection of the radially-aligned option from the first set, displaying at least a portion of a second curvilinear menu comprising a second set of selectable options circumferentially disposed on the second curvilinear menu, wherein the second curvilinear menu is concentrically-disposed relative to the first curvilinear menu;* (Easty column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easty teaches a second inner ring is displayed based on content and a user selection.

Easty fails to expressly disclose:

- *Rotating the first curvilinear menu about an axis to radially align an option from the first set with a fixed selection indicator;*
- *Rotating the second curvilinear menu about an axis to radially align an option from the second set with the fixed selection indicator*

Ohkura expressly teaches one or more curvilinear menus that are concentric menus where the user can rotate each menu individually. Ohkura also discloses a fixed selection indicator (see Figure 5 and 18) in which each of the menus is aligned radially with each other and where each menu can be individually rotated about an axis. Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of menu selections as taught by Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 2**, as indicated in the above discussion, Easty in view of Ohkura teaches/discloses every element of claim 1.

Easty expressly discloses two or more concentric rings can be displayed on the screen where the rings are relative to one another (Easty column 2, lines 62-67 and figure 1a-1b). Easty also teaches where the categories of information can be dynamically determined based on the user selections which teaches the selection of one menu choice by the user will direct the system to present a second menu with dynamically generated choices (Easty column 4, lines 18-29).

Easty fails to expressly disclose:

- In response to a selection of the radially-aligned option from the second set and displaying at least a portion of a third curvilinear menu comprising a third set of selectable options circumferentially disposed on the third curvilinear menu, wherein the third curvilinear menu is concentrically-disposed relative to the first and second curvilinear menus; (Easty column 2, lines 62-67 and column 3, lines 1-20) Easty teaches two or more concentric rings can be displayed.
- Rotating the third curvilinear menu about an axis to radially align an option from the third set with the fixed selection indicator

Ohkura expressly teaches one or more concentric menus radially aligned with a selection indicator in which the menus are concentrically displayed and where the user can select the genre (menu 1) and the day, time and title menus. The user selects and rotates the day and

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the time and the title screen is adjusted to correspond to the menu choices. Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of all of the menu selections as taught by Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 3**, Easty teaches *the first and second curvilinear menus are ring-shaped*. (Easty Fig 1a – 1c) Easty teaches the GUI is shaped in concentric rings.

With respect to **dependant claim 8**, Easty teaches *the selectable options from the second set are determined by a selected option from the first set*. (Easty column 3, lines 10-25) Easty teaches the inner ring of content is a sub-category of the outer ring, which is determined dynamically at the selection time.

With respect to **dependant claim 9**, Easty teaches *the selectable options from the second set are sub-options of a selected option from the first set*. (Easty column 3, lines 10-25) Easty teaches the inner ring of content is a sub-category of the outer ring, which is determined dynamically at the selection time.

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With respect to **dependant claim 10**, Easty teaches *the selectable options from the first and second sets are hierarchically related*. (Easty column 4, lines 1-17) Easty teaches the inner ring indicates a subcategory of the outer ring of digital contents.

With respect to **dependant claim 11**, Easty teaches *at least one selectable option comprises an icon*. (Easty column 4, lines 1-17) Easty teaches the inner ring and outer rings are menu items represented by icons.

With respect to **dependant claim 12**, Easty teaches *at least one selectable option comprises text description*. (Easty column 6, lines 31) Easty teaches icons using characters are displayed.

With respect to **dependant claim 13**, as indicated in the above discussion, Easty in view of Ohkura teaches/discloses every element of claim 1.

Easty expressly teaches response to a users selection of a music category in which a second subcategory is displayed and the user can select from the genre of music selections they desire (Easty column 4, lines 1-17).

*Easty fails to expressly teach/disclose at least one selectable option is associated with an audio sample, and wherein the **audio sample** is played in response to the corresponding option being aligned with the fixed selection indicator prior to an explicit selection action.*

Ohkura teaches an electronic program guide that gives the user a real-time presentation of current, future and past broadcasts of media information available to the user. Ohkura teaches that Music is one of the Media available through the GUI (see -Ohkura Figure 5). Ohkura teaches the ability to use the preset button, which is not an explicit selection on the menu, but an ability to select promotion channels that are not being broadcast or for a preview of a program that is being displayed. Which would allow for the preview of a music selection prior to the music selection on the menu. Additionally, Ohkura teaches a fixed selection indicator for selecting the program selections, genre, data and time (see Figure 5 and 18).

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate preset button as taught by Ohkura, in order to obtain a system that is able to preview audio selections prior to making an explicit selection on the menu. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 14**, Easty teaches *the second curvilinear menu is concentrically displayed around the first curvilinear menu*. (Easty Figure 1a-1c) Easty teaches the inner and outer concentric rings are displayed around one another.

With respect to **dependant claim 15**, Easty teaches *the second curvilinear menu is concentrically displayed within the first curvilinear menu*. (Easty Figure 1a-1c) Easty teaches the inner and outer concentric rings are displayed around one another

With respect to **dependant claim 20**, Easty teaches *the first curvilinear menu is only partially displayed in the graphical user interface, and wherein the first set of selectable options comprises a subset of available options associated with the first curvilinear menu*. (Easty column 5, lines 17-44) Easty teaches that restrictions may be applied to restrict the viewing to a subset of the available options.

With respect to **dependant claim 21**, Easty teaches *the first curvilinear menu is rotatable in response to a user command to display a different subset of available options*. (Easty column 4, lines 1-28) Easty teaches that the categories displayed are determined dynamically and by other characteristics and then subcategorized in the inner ring.

With respect to **Independent claim 22**, Easty teaches a user interface comprising:



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- *A first curvilinear menu comprising a first set of selectable options circumferentially disposed on the first curvilinear menu; (Easy column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easy teaches a curvilinear menu with a set of inner and outer rings. The categories on the inner and outer ring are dynamically determined at the time of the display and the icons on each menu ring are individually selectable or highlighted.*
- *A second curvilinear menu comprising a second set of selectable options circumferentially disposed on the second curvilinear menu, wherein the second curvilinear menu is concentrically-disposed relative to the first curvilinear menu, and wherein the second curvilinear menu is displayed in response to a user selection of an option from the first set and; (Easy column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c). Easy teaches a second inner ring is displayed based on content and a user selection. Easy also teaches the user selects one of the options from the menu ring. (Easy column 5, lines 45-67)*

Easy fails to expressly disclose:

- A fixed selection indicator;
- wherein the first curvilinear menu is rotatable to radially align a user-selected option from the first set with the fixed selection indicator
- wherein the second curvilinear menu is rotatable to radially align a user-selected option from the second set with the fixed selection indicator

Ohkura expressly teaches one or more curvilinear menus that are concentric menus where the user can rotate each menu individually. Ohkura also discloses a fixed selection indicator (see Figure 5 and 18) in which each of the menus is aligned radially with each other and where each menu can be individually rotated about an axis. Ohkura expressly teaches a first, second and third curvilinear menu that is rotatable and where the user selections from each menu are aligned radially in the interface (see Figure 18). Further Ohkura teaches the selection of the genre menu the picture is changed to display the genre. Then the user further

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selects the date and time to further filter the options (Ohkura column 1, lines 29-35 and column 2, lines 40-45). Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of menu selections and the fixed selection indicator as taught by Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 23**, as indicated in the above discussion, Easty in view of Ohkura teaches/discloses every element of claim 22.

Easty expressly teaches two or more concentric rings can be displayed (Easty column 2, lines 62-67 and column 3, lines 1-20).

Easty fails to expressly teach/disclose *a third curvilinear menu comprising a third set of selectable options circumferentially disposed on the third curvilinear menu, wherein the third curvilinear menu is concentrically-disposed relative to the second curvilinear menu, and wherein the third curvilinear menu is displayed in response to a user selection of an option from on the second set and wherein the third curvilinear menu is rotatable to radially align a user-selected option from the third set with the fixed selection indicator;*

Ohkura expressly teaches one or more concentric menus radially aligned with a selection indicator in which the menus are concentrically displayed and where the user can select the genre (menu 1) and the day, time and title menus. The user selects and rotates the day and the time and the title screen is adjusted to correspond to the menu choices. Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of all of the menu selections as taught by Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 24**, Easty teaches *the first and second curvilinear menus are ring-shaped*. (Easty Fig 1a – 1c) Easty teaches the GUI is shaped in concentric rings.

With respect to **dependant claim 29**, Easty teaches *the selectable options from the second set are determined by a selected option from the first set*. (Easty column 3, lines 10-25) Easty teaches the inner ring of content is a sub-category of the outer ring, which is determined dynamically at the selection time.

With respect to **dependant claim 30**, Easty teaches *the selectable options from the second set are sub-options of a selected option from the first set*. Easty column 3, lines 10-25) Easty teaches the inner ring of content is a sub-category of the outer ring, which is determined dynamically at the selection time.

With respect to **dependant claim 31**, Easty teaches the selectable options from the first and second sets are hierarchically related. (Easty column 4, lines 1-17) Easty teaches the inner ring indicates a subcategory of the outer ring of digital contents.

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With respect to **dependant claim 32**, Easty teaches *at least one selectable option comprises an icon*. (Easty column 4, lines 1-17) Easty teaches the inner ring and outer rings are menu items represented by icons.

With respect to **dependant claim 33**, Easty teaches *at least one selectable option comprises text description*. (Easty column 6, lines 31) Easty teaches icons using characters are displayed

With respect to **dependant claim 34**, as indicated in the above discussion, Easty in view of Ohkura teaches/discloses every element of claim 22.

Easty expressly teaches response to a users selection of a music category in which a second subcategory is displayed and the user can select from the genre of music selections they desire (Easty column 4, lines 1-17).

Easty fails to expressly teach *at least one selectable option is associated with an audio sample, and wherein the audio sample is played in response to the corresponding option being aligned with the fixed selection indicator prior to an explicit selection action*.

Ohkura teaches an electronic program guide that gives the user a real-time presentation of current, future and past broadcasts of media information available to the user. Ohkura teaches that music is one of the Media available through the GUI (see -Ohkura Figure 5). Ohkura teaches the ability to use the preset button, which is not an explicit selection on the menu, but an ability to select promotion channels that are not being broadcast or for a preview of a program that is being displayed. Which would allow for the preview of a music selection prior to the music selection on the menu. Additionally, Ohkura teaches a fixed selection indicator for selecting the program selections, genre, data and time (see Figure 5 and 18).

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate preset button as taught by Ohkura, in order to obtain a system that is able to preview audio selections prior to making an explicit selection on the menu. One

would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependant claim 35**, Easty teaches *the second curvilinear menu is concentrically displayed around the first curvilinear menu*. (Easty Figure 1a-1c) Easty teaches the inner and outer concentric rings are displayed around one another.

With respect to **dependant claim 36**, Easty teaches *the second curvilinear menu is concentrically displayed within the first curvilinear menu*. (Easty Figure 1a-1c) Easty teaches the inner and outer concentric rings are displayed around one another.

With respect to **dependant claim 38**, Easty teaches *the first curvilinear menu is only partially displayed, and wherein the first set of selectable options comprises a subset of available options associated with the first curvilinear menu*. (Easty column 5, lines 17-44) Easty teaches that restrictions may be applied to restrict the viewing to a subset of the available options.

With respect to **dependant claim 39**, Easty teaches *the first curvilinear menu is rotatable in response to a user command to display a different subset of available options*. (Easty column 4, lines 1-28) Easty teaches that the categories displayed are determined dynamically and by other characteristics and then subcategorized in the inner ring.

With respect to **Independent claim 40**, a computer program product for performing a method for obtaining user input in a graphical user interface, the method comprising; (Easty column 6, claim 1, lines 52-67)

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- *Displaying at least a portion of a first curvilinear menu comprising a first set of selectable options circumferentially disposed on the first curvilinear menu;* (Easty column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easty teaches a curvilinear menu with a set of inner and outer rings. The categories on the inner and outer ring are dynamically determined at the time of the display and the icons on each menu ring are individually selectable or highlighted.
- *In response to a selection of the radially-aligned option from the first set, displaying at least a portion of a second curvilinear menu comprising a second set of selectable options circumferentially disposed on the second curvilinear menu, wherein the second curvilinear menu is concentrically-disposed relative to the first curvilinear menu.* (Easty column 5, lines 14-67) Easty teaches the selection indicator around the second or inner menu that is highlighted based on the user selection and gives the illusion of the border icon moving from the old position to the new position.

Easty fails to expressly disclose:

- *Rotating the first curvilinear menu about an axis to radially align an option from the first set with a fixed selection indicator;*
- *Rotating the second curvilinear menu about an axis to radially align an option from the second set with a fixed selection indicator;*

Ohkura expressly teaches one or more curvilinear menus that are concentric menus where the user can rotate each menu individually. Ohkura also discloses a fixed selection indicator (see Figure 5 and 18) in which each of the menus is aligned radially with each other and where each menu can be individually rotated about an axis. Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of menu selections as taught by

Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **Independent claim 41**, Easty teaches a system for obtaining user input in a graphical user interface, the system comprising: (Easty column 7, claim 9, lines 52-67)

- Means for displaying at least a portion of a first curvilinear menu comprising a first set of selectable options circumferentially disposed on the first curvilinear menu; (Easty column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easty teaches a curvilinear menu with a set of inner and outer rings. The categories on the inner and outer ring are dynamically determined at the time of the display and the icons on each menu ring are individually selectable or highlighted.
- Means for receiving a user selection of an option from the first set of selectable options; and (Easty column 5, lines 45-67) Easty teaches the user selects one of the options from the menu ring.
- Means for displaying, in response to a selection of the radially –aligned option from the first set at least a portion of a second curvilinear menu comprising a second set of selectable options circumferentially disposed on the second curvilinear menu, wherein the second curvilinear menu is concentrically disposed relative to the first curvilinear menu. Easty column 2, lines 62-67 and column 3, lines 1-20 and Figure 1a –1c) Easty teaches a second inner ring is displayed based on content and a user selection.

Easty fails to expressly disclose:

- wherein the first curvilinear menu is rotatable to align a user-selected option from the first set of selectable options with the fixed selection indicator

- wherein the second curvilinear menu is rotatable to radially align a user-selected option from the second set of selectable options with the fixed selection indicator

Ohkura expressly teaches one or more curvilinear menus that are concentric menus where the user can rotate each menu individually. Ohkura also discloses a fixed selection indicator (see Figure 5 and 18) in which each of the menus is aligned radially with each other and where each menu can be individually rotated about an axis. Ohkura expressly teaches a first, second and third curvilinear menu that is rotatable and where the user selections from each menu are aligned radially in the interface (see Figure 18). Further Ohkura teaches the selection of the genre menu and after the selection the picture is changed to display the genre in area Y. Then the user further selects the date and time to further filter the options (Ohkura column 1, lines 29-35 and column 2, lines 40-45). Ohkura and Easty are analogous art because they are from the same field of endeavor of displaying media choices to a user with menus.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of menu selections as taught by Ohkura, in order to obtain a system that is able to display the selection the user has made in one line or spoke. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

With respect to **dependent claims 42 and 43**, as indicated in the above discussion, Easty in view of Ohkura teaches/discloses every element of claim 1.

Easty fails to expressly teach/disclose *the method wherein the user-selected options from the first, second and third sets always define a radially-extending selection path through the first, second and third curvilinear menus.*



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Ohkura expressly shows a selection path that is always defined through the menus showing the user choices (Ohkura figure 5 and 18) for the purpose of capturing the user path through the menu items and visually diagramming the menu choices in a clear manner.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Easty and Ohkura before him at the time of the invention was made, to modify the system of Easty to incorporate the radial alignment of menu selections through all the displayed menus as taught by Ohkura, in order to obtain a system that is able to display visual representations of user selections in a straight line. One would have been motivated to make such a combination because of the need to guide the user through a vast amount of displayed information in reliable and rapid manner as taught by Ohkura.

**References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571)272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BA HUYNH  
PRIMARY EXAMINER